

**MINUTES
CITY OF IMPERIAL BEACH
CITY COUNCIL
PLANNING COMMISSION
PUBLIC FINANCING AUTHORITY
HOUSING AUTHORITY
IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY**

NOVEMBER 6, 2013

**Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932**

REGULAR MEETING – 6:00 P.M.

REGULAR MEETING CALL TO ORDER

MAYOR JANNEY called the regular City Council meeting to order at 6:00 p.m.

ROLL CALL BY CITY CLERK

Councilmembers present:	Patton, Bilbray, Spriggs
Councilmembers absent:	None
Mayor Present:	Janney
Mayor Pro Tem Present:	Bragg (arrived at 6:40 p.m.)
Staff Present:	City Manager Hall, City Attorney Lyon, City Clerk Hald, Assistant City Manager Wade, Public Safety Director Clark, Senior Planner Foltz

PLEDGE OF ALLEGIANCE

COUNCILMEMBER BILBRAY announced the passing of former Councilmember Bud Harbin, asked for a moment of silence and led everyone in the Pledge of Allegiance.

AGENDA CHANGES

MAYOR JANNEY announced Mayor Pro Tem Bragg was running late and that she requested the Ordinance and Public Hearing Items be taken after the Reports.

MOTION BY BILBRAY, SECOND BY SPRIGGS, TO TAKE ITEM NOS. 6.1-6.3 AND 7.1-7.2 BEFORE THE ORDINANCE AND PUBLIC HEARING ITEMS. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS: SPRIGGS, BILBRAY, PATTON, JANNEY
NOES:	COUNCILMEMBERS: NONE
ABSENT:	COUNCILMEMBERS: BRAGG

MAYOR/COUNCIL REIMBURSEMENT DISCLOSURE/COMMUNITY ANNOUNCEMENTS/REPORTS ON ASSIGNMENTS AND COMMITTEES

COUNCILMEMBER SPRIGGS reported that as a member of the Youth Committee he will meet with the Associated Student Body or another group of Mar Vista High School students to hear their opinions on the needs of Imperial Beach youth. He thanked Public Works Director Levien and staff for their efforts in preparing for the upcoming pedestrian lighting demonstration and he questioned the procedures for the demonstration.

CITY MANAGER HALL announced that there will be a lighting demonstration on November 19, 2013 after dark. To avoid violations of the Brown Act, City Councilmembers will arrive at different times in the evening and the public is welcome at any time. Different options will be on display and staff and consultants will be available to answer questions.

COUNCILMEMBER PATTON reported that as a member of the Youth Committee he will be meeting with IB Charter School students on December 4, 2013. He also spoke about participating in the Kiwanis Paint IB event the previous weekend.

MAYOR JANNEY echoed the comments made by Councilmember Bilbray regarding the passing of Bud Harbin. He announced that the City of Imperial Beach won the following awards: a Third Place Walk San Diego award for being a walkable City, a Circulate award from Move San Diego for the Bikeway Village Project and an award from the Integrated Transportation Engineers for the Eco Bikeway Project.

COMMUNICATIONS FROM CITY STAFF

ASSISTANT CITY MANAGER WADE reported that the refunding bonds that were previously approved by both the Successor Agency and Oversight Board received an A rating from Standard & Poor's.

PUBLIC COMMENT

None.

PRESENTATIONS (1)

None.

CONSENT CALENDAR (2.1-2.4)

MOTION BY PATTON, SECOND BY BILBRAY, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.4. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: SPRIGGS, BILBRAY, PATTON, JANNEY
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: BRAGG

2.1 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 83293 through 83457 for a subtotal amount of \$980,134.32 and Payroll Checks/Direct Deposit 45538 through 45584 for a subtotal of \$274,688.33 for a total amount of \$1,254,822.65.

2.2 RESOLUTION NO. 2013-7418 AUTHORIZING THE PURCHASE OF A REPLACEMENT PUBLIC SAFETY DIRECTOR/FIRE CHIEF VEHICLE (EQUIPMENT # 5401) FROM THE FLEET DIVISION OPERATING AND MAINTENANCE CAPITAL OUTLAY BUDGET (501-1921-419-5004). (1130-55)

1. Received staff report;
2. Adopted Resolution 2013-7418 authorizing the City Manager to approve a purchase order with Kearny Pearson Ford for the purchase of the replacement Public Safety Director/Fire Chief Vehicle (equipment #5401) using the City of San Diego bid list; and

3. Authorized the expenditure of \$34,333.75 from Fleet Division O&M Capital Outlay Budget (501-1921-419-5004) for the purchase of a replacement vehicle and all related retrofitting work.

2.3 RESOLUTION NO. 2013-7416 AUTHORIZING THE PURCHASE OF REPLACEMENT SPOIL-VAC (EQUIPMENT # 152) SKID FOR \$22,341.00. (1130-55)

1. Received staff report; and
2. Adopted Resolution 2013-7416 authorizing the City Manager to approve a purchase order for the purchase of the replacement Spoil-Vac (equipment # 152) by the lowest responsive and responsible bidder.

2.4 RESOLUTION NO. 2013-7417 AUTHORIZING THE PURCHASE OF A REPLACEMENT CITY VEHICLE (EQUIPMENT # 143 – SEWER DIVISION F350 SIZE TRUCK) FROM FLEET MAINTENANCE DIVISION MAJOR EQUIPMENT ACCOUNT 501-1921-419-5004. (1130-55)

1. Received report; and
2. Adopted Resolution 2013-7417 authorizing the City Manager to approve a purchase order with Downtown Ford Sales for the purchase of the replacement City Vehicle (equipment #143) using the State of California bid list and the retrofitting of old vehicle # 143 with new bed for replacement for vehicle # 600.

REPORTS (6.1-6.3)

6.1 RESOLUTION NO. 2013-7420 SUPPORTING THE LIVE WELL SAN DIEGO TEN-YEAR INITIATIVE TO IMPROVE THE HEALTH OF RESIDENTS IN THE COUNTY OF SAN DIEGO. (0240-95)

CITY MANAGER HALL introduced the item.

COUNTY SUPERVISOR COX reported on the Live Well San Diego Ten-Year Initiative and he presented a proclamation to Mayor Janney in honor of the City's commitment to creating a healthy, safe and thriving community.

DR. DEAN SIDELINGER, of the County of San Diego Health and Human Services Dept., spoke about the Live Well San Diego Ten Year Initiative.

MOTION BY PATTON, SECOND BY BILBRAY, TO APPROVE RESOLUTION NO. 2013-7420 SUPPORTING THE LIVE WELL SAN DIEGO (LWSD) TEN-YEAR INITIATIVE TO IMPROVE THE HEALTH OF RESIDENTS IN THE COUNTY OF SAN DIEGO. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: SPRIGGS, BILBRAY, PATTON, JANNEY
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: BRAGG

6.2 ADOPTION OF RESOLUTION NO. 2013-7409 APPROVING AN AS-NEEDED PROFESSIONAL SERVICES AGREEMENT WITH THE LAW FIRM OF KANE, BALLMER & BERKMAN FOR SPECIALIZED LEGAL SERVICES. (0440-05)

CITY MANAGER HALL introduced the item.

In response to Councilmember Spriggs question regarding the proposed rates, ASSISTANT CITY MANAGER WADE stated that the rates are within the industry standard.

MOTION BY PATTON, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. 2013-7409 AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH KANE, BALLMER & BERKMAN FOR SPECIALIZED LEGAL SERVICES. MOTION CARRIED CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: SPRIGGS, BILBRAY, PATTON, JANNEY
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: BRAGG

6.3. ADOPTION OF RESOLUTION NO. HA-13-15 APPROVING AN AS-NEEDED PROFESSIONAL SERVICES AGREEMENT WITH THE LAW FIRM KANE, BALLMER & BERKMAN FOR SPECIALIZED LEGAL SERVICES. (0412-50 & 0440-05)

No discussion.

MOTION BY BILBRAY, SECOND BY SPRIGGS, TO ADOPT RESOLUTION NO. HA-13-15 AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH KANE, BALLMER & BERKMAN FOR SPECIALIZED LEGAL SERVICES. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: SPRIGGS, BILBRAY, PATTON, JANNEY
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: BRAGG

I.B. REDEVELOPMENT AGENCY SUCCESSOR AGENCY REPORTS (7.1-7.2)

7.2 ADOPTION OF RESOLUTION NO. SA-13-34 APPROVING AN AS-NEEDED PROFESSIONAL SERVICES AGREEMENT WITH THE LAW FIRM KANE, BALLMER & BERKMAN. (0418-50 & 0440-05)

CITY MANAGER HALL introduced the item.

MOTION BY BILBRAY, SECOND BY PATTON, TO ADOPT RESOLUTION NO. SA-13-34 AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH KANE, BALLMER & BERKMAN FOR SPECIALIZED LEGAL SERVICES. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: SPRIGGS, BILBRAY, PATTON, JANNEY
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: BRAGG

7.1 ADOPTION OF RESOLUTION NOS. 2013-7413 AND SA 13-35 APPROVING THE INVESTMENT POLICY. (0350-95 & 0418-50)

CITY MANAGER HALL introduced the item.

JASON SCHMIDT, of Chandler Asset Management, reported on the analysis of the City's Investment Policy. In response to Councilmember Spriggs' question regarding the lowering of the bond rating for acceptable investments, he stated that these securities match the first tenets of the City's Investment Policy which are safety, liquidity and yield. With regard to

Councilmember Spriggs' question regarding Mortgage Pass-Through Securities, he stated that they are backed by government sponsored entities which were not downgraded during the financial crisis but actually appreciated in value as interest rates came down. In response to Mayor Janney regarding why the proposed investment policy is being considered, he stated that with the proposed investment policy the portfolio will transition into one that will meet the goals and objectives of the City.

MOTION BY BILBRAY, SECOND BY SPRIGGS, TO ADOPT RESOLUTION NO. 2013-7413 AND SA 13-35 ADOPTING THE CITY OF IMPERIAL BEACH INVESTMENT POLICY. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: SPRIGGS, BILBRAY, PATTON, JANNEY
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: BRAGG

ORDINANCES – INTRODUCTION/FIRST READING (3.1-3.2)

3.1 INTRODUCTION AND FIRST READING OF ORDINANCE NO. 2013-1141 AND ADOPTION OF CITY COUNCIL RESOLUTION NO. 2013-7415 GIVING NOTICE OF ITS INTENTION TO AMEND THE CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY OF IMPERIAL BEACH, TO INCLUDE AN ADDITIONAL 3% EMPLOYEE COST SHARING FOR CLASSIC LOCAL FIRE MEMBERS. (0520-70 & 0540-50)

MAYOR JANNEY recognized the firefighters for making sacrifices to help with the City's financial situation.

CITY MANAGER HALL reported that the firefighters are stepping forward to pay a larger percentage of their retirement than what is required by the State at the current time.

ASSISTANT CITY MANAGER WADE reviewed the details of the proposed changes.

MAYOR PRO TEM BRAGG arrived at 6:40 p.m.

JASON BELL, Fire Engineer/Paramedic, stated that the firefighters were interested in being creative and setting the bar to get the City five years of savings. He expressed appreciation for the City's negotiation team and for a cordial negotiating process.

MOTION BY BILBRAY, SECOND BY PATTON, TO ADOPT RESOLUTION OF INTENT NO. 2013-7415 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH GIVING NOTICE OF ITS INTENTION TO APPROVE AN AMENDMENT TO THE CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA. MOTION CARRIED UNANIMOUSLY.

MAYOR JANNEY called for the reading of the title of Ordinance No. 2013-1141.

CITY CLERK HALD read the title of Ordinance No. 2013-1141 "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF

IMPERIAL BEACH AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM."

MOTION BY BRAGG, SECOND BY SPRIGGS, TO INTRODUCE AND HOLD THE FIRST READING OF ORDINANCE NO. 2013-1141 BY TITLE ONLY, WAIVE FURTHER READING IN FULL, AND SCHEDULE THE SECOND READING AND ADOPTION OF THE ORDINANCE ON DECEMBER 4, 2013. MOTION CARRIED UNANIMOUSLY.

3.2 INTRODUCTION AND FIRST READING OF ORDINANCE NO. 2013-1142 OF THE CITY OF IMPERIAL BEACH, CALIFORNIA REPEALING CHAPTER 9.54 AND ADOPTING CHAPTER 9.54 OF THE IMPERIAL BEACH MUNICIPAL CODE RELATED TO HOUSE PARTIES AND CONSUMPTION OF ALCOHOL BY MINORS. (0240-95)

CITY MANAGER HALL introduced the item.

PUBLIC SAFETY DIRECTOR CLARK reported on the item.

GABRIEL MATEUS, a youth leader for South Bay for Change, provided information on the youth group. He asked for the following changes to the ordinance:

- It is the hosts' duty and responsibility to be aware and inspect the activities of minors when alcohol is present and to know the age of the attendees of the house party; and
- Adults monitor the purchase and the amount of alcohol in their home as well as control the access in their home.

He also suggested the strongest penalty so adults know the consequences of providing an environment where underage drinking can take place. He stated that rewording the ordinance as suggested will be helpful to law enforcement and discourage underage drinking.

STEPHANIE MONTES, representing South Bay Youth for Change, urged City Council to reword the ordinance and to apply the strongest penalty.

COUNCILMEMBER PATTON stressed that he does not condone underage drinking. He said that currently an ordinance is in place and is being enforced. He added that the new ordinance would require additional resources and that he could not endorse the proposed ordinance.

PUBLIC SAFETY DIRECTOR CLARK responded that the current ordinance is not enforceable. He stated that the current ordinance should be removed from the books completely or that the proposed ordinance be adopted.

In response to Mayor Pro Tem Bragg's question about how South Bay Youth for Change would promote the ordinance (if it were passed), GABRIEL MATEUS stated that they have projects to help make people aware of the law. STEPHANIE MONTES stated that there is a South Bay Youth for Change group at Mar Vista High School that meets regularly.

MAYOR PRO TEM BRAGG spoke about the importance of informing the public about new laws.

PUBLIC SAFETY DIRECTOR CLARK responded to questions of City Council.

COUNCILMEMBER SPRIGGS stated that he understood the current ordinance is not enforceable and that there is a need to prevent underage drinking. However, he was opposed

to moving forward with the legislation at this time because he preferred to have a side by side comparison of the old and new ordinances in order to determine the differences between the two ordinances.

MAYOR JANNEY asked City Staff to return to City Council on December 4, 2013 with a comparison of the old and new ordinances and why the current ordinance is not enforceable.

COUNCILMEMBER SPRIGGS also asked City Staff to provide information on recent problems that have occurred in Imperial Beach, showing the need to have the new ordinance. He also asked for the citation activity that is expected as a result of the ordinance change.

ORDINANCES – SECOND READING/ADOPTION (4)

None.

PUBLIC HEARINGS (5.1-5.3)

5.1 ADOPTION OF RESOLUTION NO. 2013-7414 APPROVING THE IMPERIAL BEACH BUSINESS IMPROVEMENT DISTRICT (BID) ANNUAL REPORT FOR FISCAL YEAR 2012-2013 AND AUTHORIZING THE LEVYING OF THE FISCAL YEAR 2013-2014 ANNUAL ASSESSMENT FOR THE BID PURSUANT TO THE PARKING AND BUSINESS IMPROVEMENT AREA LAW OF 1989. (0465-20)

CITY MANAGER HALL introduced the item.

MAYOR JANNEY declared the public hearing open.

ASSISTANT CITY MANAGER WADE reported on the item.

JULIA SIMMS stated that the BID and Chamber of Commerce organize great events that promote the City but expressed concern about a lack of marketing of the events to people outside the City. She said that the way to improve business in Imperial Beach is to market ourselves to others and attract more visitors to Imperial Beach. She suggested that the City take the lead by pooling the marketing funds allocated for this year and combine them with BID's marketing funds to launch the destination marketing campaign. She said that a foundation for a website has already been built and that what is needed now is a marketing budget to promote the website.

MICHAEL SIMMS showed the foundation website and spoke about the concept of an intercept marketing campaign.

MAYOR PRO TEM BRAGG stated that the City Council cannot direct the BID but encouraged a member of the BID or Chamber of Commerce to regularly attend City Council meetings. She expressed disappointment that the Imperial Beach Chamber of Commerce did not have any of their events listed in the B2B Calendar Section of the Union Tribune. She encouraged collaboration between the City, BID, Chamber of Commerce and the South County EDC.

COUNCILMEMBER SPRIGGS spoke in support of a modern web-based approach for business promotion rather than relying completely on the BID's proposed brochure and for City Council to take on a more active leadership role since the BID was not spending much of its assessment income the last two years. He was opposed to the continuous submittal and approval of the

same projects and stated that he could not support moving forward at this time. He spoke in support of a combination of business promotion strategies and for something more dynamic.

Mike Osbourne stated that he likes the website concept that was presented but the cost was \$10,000 - \$12,000 to start and \$5,000 per month. He spoke about the difficulties in negotiating different payment options. He said that there is a possibility that the BID will look at this again.

MAYOR PRO TEM BRAGG stated that the City Council does not want to get into the business of the BID but the message is clear that there is a demand for marketing. She suggested that the BID have a quarterly presentation to the City Council.

MIKE OSBOURNE stated that the City Council is welcome to come to Chamber of Commerce and BID meetings.

COUNCILMEMBER PATTON spoke in support for the intercept marketing campaign, he suggested that Mr. Osbourne look at the local entity offering the website and he encouraged the BID to market the Taste of IB Event.

COUNCILMEMBER SPRIGGS stated that we are in this together. He was in support for building a partnership for marketing and preferred to have the BID and the Chamber of Commerce take the lead.

MAYOR JANNEY appreciated the idea of marketing the City of Imperial Beach but cautioned that there may need to be a vote of the BID members in order to market for tourism. He also stated that the members of the BID are located Citywide and that there is difficulty in spreading out the limited amount of money collected so that all the BID businesses benefit equally.

MOTION BY BRAGG, SECOND BY JANNEY, TO ADOPT RESOLUTION NO. 2013-7414 APPROVING THE FISCAL YEAR 2012-2013 IMPERIAL BEACH BUSINESS IMPROVEMENT DISTRICT REPORT AND LEVYING THE FISCAL YEAR 2013-2014 ANNUAL ASSESSMENT FOR THE DISTRICT PURSUANT TO THE PARKING AND BUSINESS IMPROVEMENT AREA LAW OF 1989, TO HAVE THE BID GIVE A QUARTERLY UPDATE TO CITY COUNCIL.

COUNCILMEMBER SPRIGGS stated that the motion should include the notion that the BID would be open to joining with the City in a public relations effort.

MAYOR PRO TEM BRAGG supported the amendment.

MAYOR JANNEY did not support the amendment. He expressed concern about putting more stipulations on the BID. He supported a marketing partnership and questioned if the partnership should be with the Chamber due to less constraints.

COUNCILMEMBER SPRIGGS stated it is an expression of interest to keep open the idea of a partnership in developing a marketing and promotions strategy.

VOTES WERE NOW CAST ON ORIGINAL MOTION BY BRAGG, SECOND BY JANNEY, TO ADOPT RESOLUTION NO. 2013-7414 APPROVING THE FISCAL YEAR 2012-2013 IMPERIAL BEACH BUSINESS IMPROVEMENT DISTRICT REPORT AND LEVYING THE FISCAL YEAR 2013-2014 ANNUAL ASSESSMENT FOR THE DISTRICT PURSUANT TO

THE PARKING AND BUSINESS IMPROVEMENT AREA LAW OF 1989 AND HAVE A QUARTERLY UPDATE TO CITY COUNCIL. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: BILBRAY, BRAGG, JANNEY
NOES: COUNCILMEMBERS: SPRIGGS, PATTON
ABSENT: COUNCILMEMBERS: NONE

MAYOR JANNEY closed the public hearing.

5.2 SECOND PALM AVENUE, LLC (OWNER/APPLICANT); ADMINISTRATIVE COASTAL PERMIT (ACP 050218), CONDITIONAL USE PERMIT (CUP 050219), DESIGN REVIEW (DRC 050220), SITE PLAN REVIEW (SPR 050221), AND TENTATIVE MAP (TM 090016); RESOLUTION 2013-7411. (0600-20)

CITY MANAGER HALL introduced the item.

SENIOR PLANNER FOLTZ gave a PowerPoint presentation on the item.

MAYOR JANNEY called a recess at 7:43 p.m. and called the meeting back to order at 7:50 p.m.

ROLL CALL BY CITY CLERK

Councilmembers present:	Patton, Bilbray, Spriggs
Councilmembers absent:	None
Mayor Present:	Janney
Mayor Pro Tem Present:	Bragg

COUNCILMEMBER PATTON announced that he has a potential conflict of interest on the item as he lives within 500 feet of the project and left Council Chambers at 7:50 p.m.

SENIOR PLANNER FOLTZ continued with a PowerPoint presentation on the item.

MAYOR JANNEY declared the public hearing open.

RICHARD SPEAR, representing the applicant, spoke about the project and asked for City Council's approval of the project.

LAURIE BENHAM, representing 220 and 228 Dahlia expressed concern about noise. Currently there is a 6 ft wood fence that separates the properties and the trash enclosure will abut her property. She suggested that the City Council add a condition for an 8 ft masonry wall for the south facing portion. She also requested that the type of trees be specific to Carrotwood or Pordocarpos because they don't drop foliage. She noted that the proposed balcony is 190 ft and asked that it be reduced.

ROGER BENHAM complemented the architect and planners on the design of the building. He spoke in support of a masonry wall due to sound proofing and it is more aesthetically pleasing than a wood fence. He questioned if the building designed by Keith Winine, located on Dahlia Ave. and Second Street, can be recognized as the most beautiful building in IB.

COUNCILMEMBER SPRIGGS questioned what the intent is for the retail space and questioned if the front of the property is pedestrian friendly.

ASSISTANT CITY MANAGER WADE responded that the applicant has not specified the types of businesses that will be located there. He noted that the new Commercial Mixed Use Zone has an active commercial use requirement. He stated that this area has one of the wider sidewalks in the City to promote pedestrian activity and to provide the businesses with a better opportunity to utilize the sidewalk.

MAYOR PRO TEM BRAGG stated that a visitor serving retail establishment is a must. She expressed concern that the color scheme in Attachment 4 is out of step with that area. She is not in agreement with a concrete wall but is concerned about noise. She stated that a common area in the front is missing. She questioned the removal of the rooftop landscaping and the type of lighting that will be on the Palm Ave. side and the west side of the building.

ASSISTANT CITY MANAGER WADE responded that colors are subjective and that the mixture of colors is a question for the applicant. He also stated that the type of tenant is market driven. Staff's objective is to ensure the uses are appropriate and generate active commercial use. As for gathering places, not every project can accommodate it. Typically corner lots can accommodate it.

With regard to the rooftop landscaping, SENIOR PLANNER FOLTZ stated that no rooftop patios and no utility are being proposed so the DRB said that there is no need for the rooftop landscaping. Lighting and signage has not been proposed. They can be addressed at the building permit stage or be conditions of approval.

ASSISTANT CITY MANAGER WADE added that by virtue of the commercial spaces being occupied, there will be lighting both internally and externally. The expectation is that the lighting will be tenant driven. The west side will eventually be redeveloped and therefore, we don't want to impact the neighboring properties.

MAYOR PRO TEM BRAGG stated that she prefers to have up-lighting in the landscaping and lighting the side fronting Palm Ave.

ASSISTANT CITY MANAGER WADE stated that there is a requirement to have a light outside a door. Staff is willing to consider the 8ft wall to provide screening and a noise buffer.

MR. SPEARE stated that there may be an issue with an 8 ft masonry wall due to an AT&T easement. He suggested a masonry wall enclosure for the trash with the rest of it being a wood fence. He said there was no issue with the tree request.

ASSISTANT CITY MANAGER WADE stated that a combination of an 8 ft masonry enclosure and an 8 ft privacy fence is an option. There can be a condition of approval for staff to review the type of fencing materials. He stated that landscaping also acts as a noise deterrent. He also recommended lighting options for the Palm Ave. frontage.

MAYOR JANNEY closed the public hearing.

MOTION BY JANNEY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2013-7411 APPROVING ADMINISTRATIVE COASTAL PERMIT (ACP 050218), CONDITIONAL USE

PERMIT (CUP 050219), DESIGN REVIEW CASE (DRC 050220), SITE PLAN REVIEW (SPR 050221), AND TENTATIVE MAP (TPM 090016) FOR THE CONSTRUCTION OF TWO NEW MIXED-USE BUILDINGS, EACH WITH APPROXIMATELY 1,300 SQUARE FEET OF COMMERCIAL SPACE AND THREE RESIDENTIAL CONDOMINIUM UNITS, FOR A TOTAL OF 2,600 SQUARE FEET OF COMMERCIAL SPACE AND SIX RESIDENTIAL CONDOMINIUM UNITS LOCATED AT 221 & 225 PALM AVENUE (APN 625-201-03-00 AND 625-201-04-00) IN THE C-2 (SEACOAST COMMERCIAL) ZONE WITH CONDITIONS THAT EVERY EFFORT BE MADE TO PROVIDE AN 8 FT PRIVACY WALL OR FENCE ON THE SOUTH SIDE, THAT THE TREES BEING CONSIDERED FOR LANDSCAPING ON THE SOUTH SIDE CONSIDER THE NEIGHBORS, WE DO NOT WANT TREES THAT SHED AND CAUSE MORE MAINTENANCE NIGHTMARES FOR THE ADJACENT PROPERTY OWNERS, AND THAT CONSIDERATIONS FOR LIGHTING ON THE PALM AVE. NORTH SIDE BE INCLUDED ALONG WITH THE CUP. MF 779. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS: SPRIGGS, BILBRAY, BRAGG, JANNEY
NOES:	COUNCILMEMBERS: NONE
ABSENT:	COUNCILMEMBERS: NONE
DISQUALIFIED:	COUNCILMEMBERS: PATTON

5.3 CALIFORNIA AMERICAN WATER COMPANY (APPLICANT); ADMINISTRATIVE COASTAL PERMIT (ACP 130040), CONDITIONAL USE PERMIT (CUP 130041), DESIGN REVIEW (DRC 130042), AND SITE PLAN REVIEW (SPR 130043); RESOLUTION 2013-7412. (0600-20 & 0840-70)

A letter of support submitted by Philip Teyssier was provided as Last Minute Agenda Information.

MAYOR JANNEY declared the public hearing open.

CITY MANAGER HALL introduced the item.

SENIOR PLANNER FOLTZ gave a PowerPoint presentation on the item.

PHILLIP TEYSSIER, owner of the property, spoke in support for the project.

LEONARD TEYSSIER spoke in support for the project.

COUNCILMEMBER SPRIGGS commented on how good the project looked.

COUNCILMEMBER PATTON stated that the proposal is an improvement over what is there now.

KEVIN TILLMAN, Vice President of California American Water, thanked staff for their work on the project and he stated that California American Water has been at the Cherry Street location since the early 70's.

MAYOR PRO TEM BRAGG stated that she is not convinced that this is the highest and best use for the property. She expressed apprehension with moving forward but was hopeful that it would be predominantly retail in the area. She is disappointed with the low ratio of landscaping and she did not find the fencing attractive. She was not in support of the project.

SENIOR PLANNER FOLTZ clarified that the landscape figure in the staff report was incorrect. California American Water will provide over 4,000 square feet of landscaping, which is 2% off from the typical requirement.

COUNCILMEMBER BILBRAY also shares concern about the project but would rather have California American Water come in and do the improvements than have the site remain as it is now.

MOTION BY JANNEY, SECOND BY BILBRAY, TO ADOPT RESOLUTION 2013-7412 APPROVING ADMINISTRATIVE COASTAL PERMIT (ACP 130040), CONDITIONAL USE PERMIT (CUP 130041), DESIGN REVIEW CASE (DRC 130042), AND SITE PLAN REVIEW (SPR 130043) TO LOCATE THE CALIFORNIA AMERICAN WATER COMPANY WITHIN EXISTING COMMERCIAL BUILDINGS AT 1003 AND 1025 PALM AVENUE (APN 626-291-01-00 AND 626-291-15-00), AND PROVIDE RIGHT-OF-WAY IMPROVEMENTS IN THE C-1 (GENERAL COMMERCIAL) ZONE ALONG WITH THE CHANGES PROPOSED BY STAFF. MF 1125. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS: SPRIGGS, BILBRAY, PATTON, JANNEY
NOES:	COUNCILMEMBERS: BRAGG
ABSENT:	COUNCILMEMBERS: NONE

MAYOR JANNEY closed the public hearing.

ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)

None.

ADJOURNMENT

MAYOR JANNEY adjourned the meeting at 9:05 p.m.

_____/s/_____
James C. Janney, Mayor

_____/s/_____
Jacqueline M. Hald, MMC
City Clerk